

THE CORPORATION OF THE TOWNSHIP OF CENTRAL MANITOULIN

BY-LAW NO. 2005-03

Being a By-law to authorize the creation and designation of parking spaces on municipal property for the exclusive use of vehicles which are displaying a Disabled Person Parking Permit.

WHEREAS it is expedient to exercise the power conferred upon the Council of the Township of Central Manitoulin by Section 49 to the *Municipal Act, 2001*, S.O. 2001 c.25 and Part III of the *Highway Traffic Act*, R.S.O. 1990, c. H.8. and the regulations made there under.;

NOW THEREFORE, the Council of the Corporation of the Township of Central Manitoulin enacts as follows;

1. Interpretation

1. "designated parking space" means a parking space designated under this by-law for the exclusive use of a vehicle displaying a permit in accordance with the requirements of the *Highway Traffic Act* and the regulations made there under and this by-law;
2. "municipal property" means any open area other than a street or highway, intended for the temporary parking of vehicles and on which there are designated parking spaces;
3. "permit" means a Disabled Person Parking Permit which is issued under the *Highway Traffic Act* and is currently valid or a permit or other marker or device which is issued by another jurisdiction, is currently valid and recognized under the *Highway Traffic Act* and the regulations there under.
4. "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers
5. "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal
6. "stand" or "standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers

2. (1) A designated parking space shall be distinctly indicated in accordance with the requirements of the *Highway Traffic Act* and the regulations made there under.

(2) Off street designated parking spaces on municipal property shall have a width of not less than 3.9 meters.

(3) Designated parking spaces, for the purpose of this by-law, mean designated parking spaces on municipal property.

3. (1) Subject to sub-section 3 (2) below, no person or organization shall,

(a) park a vehicle in a designated parking space; or

(b) be entitled to the benefit of an exemption under this by-law, unless a permit has been issued to that person, organization or to a passenger being picked-up or transported in the vehicle and such permit is displayed on or in the vehicle in accordance with the requirements of the *Highway Traffic Act*, the regulations made there under and this by-law

(2) Sub-section 3 (1) does not apply if there is an emergency situation and the vehicle is left parked, standing or stopped there because of the emergency.

4. Despite any other provision in this by-law, no person shall park a vehicle on a street or highway in such a manner as to interfere with the clearing of snow from the street or highway.

5. (1) Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable on conviction to a fine of not less than \$300.00 exclusive of costs as provided for in the Provincial Offences Act.

(2) The owner of a vehicle that has been left parked, standing or stopped in contravention of this by-law is guilty of an offence, even if the owner was not the driver of the vehicle at the time of contravention of the by-law, unless, at that time, the vehicle was in the possession of a person other than the owner without the owner's consent, and shall be liable on conviction to a fine of not less than \$300.00 as provided for in the Provincial Offences Act.

(3) A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of the *Highway Traffic Act*, upon discovery of any vehicle parked or left in contravention of what is specified in this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by Part III in accordance with the *Repair and Storage Liens Act*, R.S.O. 1990, c.R. 25.

6. This by-law shall come into force on the date that it is approved by the Council of the Corporation of the Township of Central Manitoulin.

Read a first, second and third time and finally passed in open council on this 27th day of January, 2005.

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Reeve

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Clerk

I, \_\_\_\_\_, Clerk of the Township of Central Manitoulin, hereby certify that the foregoing is a true copy of By-Law No. 2005-03 passed by the Council of the Township of Central Manitoulin on the 27th day of January, 2005.

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Clerk

